

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue Application of

James A. SATCHELL, Jr. et al

Confirmation: 6147

Serial No.: 09/686,626

Group Art Unit: 2121

Filed: October 12, 2000

Examiner: GARLAND,
STEVEN R

For: **VENDING MACHINE AND COMPUTER ASSEMBLY**

DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I, James A. Satchell, Jr., am over the age of twenty-one years and if called to testify would be fully competent to testify as to the following:

1. All statements made herein are based on personal knowledge;
2. I am the same James A. Satchell, Jr., who is a co-inventor of the above-identified patent being reissued by the above-identified reissue application, and the same person who has already filed several Declarations under 37 CFR 1.131 in an attempt to antedate the cited Sokal document (U.S. Patent 5,953,504) having a filing date of 10 October 1995, being applied as prior art against my claims;
3. That I am aware of the decision of the Board of Patent Appeals and Interferences dated November 6, 2008, (hereinafter the "Board decision") in connection with the above-identified application reaffirming my understanding of an effective Rule 131 Declaration, "We [the Board]

agree that a day-to-day summary is not required”, Board decision, Page 24, lines 13-14; and that reasonable diligence can be shown without a showing of daily activity, “Only reasonable diligence is required”, Board decision, Page 24, lines 24-26,

4. Moreover, although applicants had previously been advised that diligence had been proved for the time period of March 20, 1996 until September 18, 1996 (the filing of the application which matured into the patent being reissued), See, for example, Page 10, paragraph 15 of the Office action of January 11, 2006, the Board decision requested evidence supporting the examiner’s finding, Board decision , Paragraph bridging Pages 23-24.
5. Accordingly, I supplement my previous Declarations as follows:
6. During the time period of Hurricane Opal (October 5 to October 18th, 1995), as mentioned in Paragraph 9 of my previous Declaration executed August 10, 2004, I was trapped at my residence in Tuskegee, Alabama by the effects of the storm itself, including rainfall of up to ten inches and sustained winds of 130 knots, preventing exposure of myself and my family to potential flooding and life-threatening winds and downed power lines; that during the entire time period I was personally affected by hurricane Opal, preventing me from working on my invention; that when not sheltering from the storm itself, I was without utilities, such as electric power and water; and during this time I cared for, and prevented injury to, my family, including minor children, from the effects of hurricane Opal, including caring for them in the absence of such electrical power and utilities, such as water, during the entire time period of October 5th through October 19th, 1995; and when not sheltering from the storm itself, I was personally engaged in cleaning storm debris from on, and around,

my residence, including downed trees and limbs; and personally bathing myself and minor children on October 19th, 1995 following the restoration of electrical power and utilities, such as water on October 18, 1995.

7. Although not required to demonstrate reasonable diligence, I list the following day-to-day activities in the time period for which diligence had previously been granted, and further note that during the entire time period detailed below, I was employed at a full-time construction job and was a Minister of my church:

Wednesday, March 20, 1996 – called USPTO about status of application; spoke with assistant of Ms. Dora Stroud who advised me that the documents previously filed had been forwarded to the examiner on November 20, 1995, and that I should hear from him soon

Thursday, March 21, 1996 – *Pro se* study of MPEP; worked on host building

Friday, March 22, 1996 - Continued study of MPEP; prepared computer graphics

Saturday, March 23, 1996 – Study on Internet regarding issues raised in Office action; worked on host office

Sunday, March 24, 1996 – Ministry at Church; *pro se* MPEP study

Monday, March 25, 1996 - spoke with Examiner Skaggs (examiner then assigned to examine parent patent application) about issues raised in non-final Office Action mailed March 19, 1996

Tuesday, March 26, 1996 – *Pro se* MPEP study

Wednesday, March 27, 1996 – *Pro se* MPEP study; spoke with potential patent attorney at offices of Roylance, Abrams, Berdo &

Goodman, LLP in Washington, DC - letter commemorating discussion (partially redacted is attached – See April 2, 1996 notation below

Thursday, March 28, 1996 – *Pro se* MPEP study

Friday, March 29, 1996 – *Pro se* MPEP study

Saturday, March 30, 1996 – Worked on host office; study of Internet versus world wide web (www)

Sunday, March 31, 1996 – Church;*Pro se* MPEP study

Monday, April 1, 1996 – Called USPTO and again spoke with Examiner Skaggs regarding his suggestion that I obtain a registered patent attorney as well as possibly an engineer; we also discussed November 8, 1995 filings about Internet vending

Tuesday, April 2, 1996 – Letter sent by my potential patent attorneys (Garret V. Davis of Roylance, Abrams et al)

Wednesday, April 3, 1996 – looked for engineer to assist in patent drawings, spoke with Mr. Grant

Thursday, April 4, 1996 – looked for engineer, spoke with Miss Grant

Friday, April 5, 1996 – Worked on Drawings computer graphics

Saturday, April 6, 1996 – Worked on Drawings computer graphics

Sunday, April 7, 1996 – Church; Computer graphics

Monday, April 8, 1996 – Received and reviewed Potential patent attorney Garret V. Davis' letter of April 2, 1996

Tuesday, April 9, 1996 – Called potential patent attorney, Garret V. Davis concerning various issues

Wednesday, April 10, 1996 – Called potential patent attorney, Garret V. Davis concerning various issues

Thursday, April 11, 1996 – Called potential patent attorney, Garret V. Davis concerning various issues

Friday, April 12, 1996 – Called potential patent attorney, Garret V. Davis concerning various issues

Saturday, April 13, 1996 – Again reviewed Garret V. Davis' April 2, 1996 letter in view of various discussions

Sunday, April 14, 1996 – Church; computer graphics

Monday, April 15, 1996 - Located engineer Johnson Asumadu at nearby college (who was to be a co-inventor with me on the application which was to mature into the patent being reissued)

Tuesday, April 16, 1996 – Meeting with Johnson Asamadu

Wednesday, April 17, 1996 – Further meeting with Johnson Asumadu

Thursday, April 18, 1996 – Further meeting with Johnson Asumadu

Friday, April 19, 1996 - Called the USPTO

Saturday, April 20, 1996 – Further study of patent attorney, Garret V. Davis' April 2, 1996 letter

Sunday, April 21, 1996 – Church, computer graphics

Monday, April 22, 1996 – begin writing of additional specification and computer graphics

Tuesday, April 23, 1996 – Continue writing specification and computer graphics

Wednesday, April 24, 1996 – Continue writing of specification and computer graphics

Thursday, April 25, 1996 – Continue writing specification and working on computer graphics

Friday, April 26, 1996 – Continue writing specification and working on computer graphics

Saturday, April 27, 1996 – continue writing specification and working on computer graphics

Sunday, April 28, 1996 – Church and computer graphics

Monday, April 29, 1996 – Called Attorney, counseled on Patent Laws

Tuesday, April 30, 1996 – Studied the evolution of the Internet

Wednesday, May 1, 1996 – Called Ms. Driscoll of The Coca-Cola Company re any prior art vending machines with Internet connections of any type

Thursday, May 2, 1996 – Study of prior vending machines

Friday, May 3, 1996 – Search for prior art vending machines having any Internet capability

Saturday, May 4, 1996 – Continued search for prior art vending machine having Internet capability

Sunday, May 5, 1996 – Church; continued Internet vending search

Monday, May 6 to Saturday, May 11, 1996 – every day during this period I continued search to locate any vending machine capable of Internet connection – located “Wired” Issue 1.03, July/August 1993 but lacks Internet connection on vending machine

Sunday, May 12, 1996 – Church; continued search on Internet vending

Monday, May 13, 1996 to Saturday, May 18, 1996 and Monday, May 20, 1996 to Saturday, May 25, 1996 – Every day I searched the origins of the term “Internet” and found that the precursor of the “Internet” was ONLY in Government control in the mid-1970’s; and that the “www” (world wide web) was only developed in the time frame of 1993 to 1994; reviewed September 11, 1995 letter from The Coca-Cola Company (hereinafter “Coke”) and studied the year-to-year evolution of the term “Internet” and studied The Coca-Cola Company’s claims that Internet vending was known prior to my disclosure to them

Sunday, May 19, 1996 – Church; continued my study on Internet vending

Sunday, May 26, 1996 – Church; continued my study on Internet vending

Monday, May 27, 1996 to Friday, May 31, 1996 – In a series of meeting held on each day in this period, I and Johnson Asumadu agree to collaborate on the development of an Internet vending machine that will vend items and also give a customer access to the Internet through a portal in the vending machine

Saturday, June 1, 1996 –I worked on the host office and began writing patent claims and worked on patent drawings

Sunday, June 2, 1996 – Church; worked on power point files

Monday, June 3, 1996 – continued work on patent claims and drawings

Tuesday, June 4, 1996 – worked on patent drawings
Wednesday, June 5, 1996 – worked on patent claims
Thursday, June 6, 1996 – worked on patent claim
Friday, June 7, 1996 – worked on power point file
Saturday, June 8, 1996 – worked on host office
Sunday, June 9, 1996 – Church; studied Coke files
Monday, June 10, 1996 to Wednesday, June 12, 1996 – Every day I drafted claims in light of Coke’s claim that Internet vending was known; worked on power point files
Thursday, June 13, 1996 – requested and paid for extension of time in pending parent application
Friday, June 14, 1996 – Letter to my patent attorney, Garret V. Davis; copy partially redacted
Saturday, June 15, 1996 – worked on host office
Sunday, June 23, 1996 – Church; studied Coke materials
Monday June 24, 1996 to Friday, June 28, 1996 – Every day researched the evolution of the Internet and found that in the 1960 to 1980 time frame the precursor of the Internet was a military tool only; that from 1980 until 1986 the “APARNET was the term used and only in 1986 to 1992 was what was to become the Internet began being used as a search tool
Saturday, June 29, 1996 – worked on host office, made new drawing
Sunday, June 30, 1996 – Church; again studied Coke documents re claim of Internet vending
Monday, July 1, 1996 – Creating fire lines for host office

Tuesday, July 2, 1996 to Wednesday, July 3, 1996 – Working on electrical systems to run factory first shop tools and chop saws to create vending machines

Thursday, July 4, 1996 – National Holiday and my birthday; worked on future shop drawings

Friday, July 5, 1996 – Worked on shop water system to cool metal

Saturday, July 6, 1996 – find “junk” vending machine parts; worked on host office

Sunday, July 7, 1996 – Church; studied Coke papers

Monday, July 8, 1996 to Friday, July 12, 1996 – Every day experimenting with vending machine construction; gathering of tools and materials for vending machine construction including construction job metal discards, obtaining metal cutting blades, metal framing members, metal cutting screws and plate metal

Saturday, July 13, 1996 – working on host office, research and development of metal working for vending machine fabrication

Sunday, July 14, 1996 – Church; study Coke papers

Monday, July 15, 1996 – Letter to attorney Davis (copy redacted)

Tuesday July 16, 1996 to Friday, July 19, 1996 – Experimented with vending machines by cutting of metal and attachment together; continued construction of host office and future vending machine factory design

Saturday, July 20, 1996 – continued work on host office as well as continued research and development of vending machine metal working construction

Sunday, July 21, 1996 – Church; Study Coke document

Monday, July 29, 1996 to Wednesday, July 31, 1996 – Every day worked on meeting city code for metal works including clearing area for fire lines, fire extinguisher systems and exits on doors
Wednesday, July 31, 1996 – Letter to our patent attorney, Davis

(copy redacted)

Thursday, August 1, 1996 – Review fax receipt from attorney

Friday, August 2, 1996 –Attorney Davis writes letter to us (copy redacted)

Saturday, August 3, 1996 –Continue host office construction with installation of tin roof over work area

Sunday, August 4, 1996 – Church; Coke document review

Monday August 5, 1996 to Wednesday, August 7, 1996 – Every day worked on building wood model of vending machine

Thursday, August 8, 1996 – Write letter to our attorney paying attorney's fees, worked on drawing and specification

Friday, August 9, 1996 – our attorney files letter; I worked on metal works for vending machines

Saturday, August 10, 1996 – continued work on tin roof over metal works

Sunday, August 11, 1996 – Church; review Coke documents

Monday, August 13, 1996 to Friday, August 16, 1996 – Every day double checking all activities connected with shop for vending machine production

Wednesday, August 14, 1996 – Attorney Davis writes us letter (copy redacted)

Saturday August 17, 1996 – continue working on tin roof over shop

Sunday, August 18, 1996 – Church; Coke document review

Monday, August 19, 1996 to Friday, August 23, 1996 – Every day reviewed draft application with view to changes and addition of material and providing approval

Saturday, August 24, 1996 – Continued installation of tin roof over shop area

Sunday, August 25, 1996 – Church; Coke document review

Monday, August 26, 1996 – continued metal works installation; Coke document review in connection with draft application

Tuesday, August 27, 1996 – Our letter received by our attorney

Wednesday, August 28, 1996 to Friday, August 30, 1996 – Review the specification and claims of our proposed patent application

Saturday, August 31, 1996 – Laid block and set metal door frame for factory area

Sunday, September 1, 1996 – Church; review files

Monday, September 2, 1996 to Wednesday, September 4, 1996 – Every day in this period spent on final review of drawings and claims

Thursday, September 5, 1996 – Express mail and fax draft application to co-inventor, Johnson Asumadu

Friday, September 6, 1996 – letter to our attorney

Saturday, September 7, 1996 – continued working on tin roof

Sunday, September 8, 1996 – Church; review files

Monday, September 9, 1996 – Review files

Tuesday, September 10, 1996 – letter from our attorney; work on button system

Wednesday, September 11, 1996 – review documents to be executed by inventors for patent application

Thursday, September 12, 1996 – Sign papers accompanying patent application

Friday, September 13, 1996 – give approval to file application to our attorney

Saturday, September 14, 1996 – continue metal works

Sunday, September 15, 1996 – Church

Monday, September 16, 1996 – Review files

Tuesday, September 17, 1996 – Review files

Wednesday, September 18, 1996 – USPTO extension in parent case filed and granted and patent application which matured into patent being reissued filed.

8. FURTHER DECLARANT SAYETH NOT.

I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false

U.S. Appl. No. 09/686,626
Atty. Docket No.: 8685.002.US0001

statement may jeopardize the validity of the reissue application or of any reissue patent to issue thereon.

1/6/09
Date

James A. Satchell Jr.
James A. Satchell, Jr.

Residence: Tuskegee, Alabama

Citizenship: United States

Post Office Address: 1490 County Road 36, Tuskegee, Alabama 36083

Mr. Davis

of Pages: 1 - 3

1490 County Road 36
Tuskegee, AL 36083

July 31, 1996

Mr. Garret V. Davis
Roylance, Abrams, Berdo & Goodman, LL.P.
1225 Connecticut Avenue, N.W.
Washington, DC 20036 - 2680

Doc'd	File
Rec'd	
AUG - 1 1996	
ROYLANCE, ABRAMS, BERDO & GOODMAN	

Re: U.S. Application Serial No. 08/429,583 - LASER-DISC BY
MUSIC VIDEO DIGITAL DRINK MACHINE DOOR

Dear Mr. Davis,

Following the discussions I had with you, you will find attached some comments regarding the above-mentioned patent application.

I shall call and talk with you again.

Once more, I would like to remind you that a response to the Office of Action of the US Patent and Trademark Office is due by August 19, 1996.

Yours sincerely,

JAMES A. SATCHELL, JR.

JOHNSON A. ASUMADU.

1490 County Road 36
Tuskegee, AL 36083

August 8, 1996

Mr. Garret V. Davis
Roylance, Abrams, Berdo & Goodman, LL.P.
1225 Connecticut Avenue, N.W.
Washington, DC 20036 - 2680

Re: U.S. Application Serial No. 08/429,583 - LASER-DISC
MUSIC VIDEO DIGITAL DRINK MACHINE DOOR

Dear Mr. Davis,

Following the discussions we had with you this morning, you will find attached:

REDACTED

Yours sincerely,

JAMES A. SATCHELL, JR.

JOHNSON A. ASUMADU.

1490 County Road 36
Tuskegee, AL 36083

August 8, 1996

Mr. Garret V. Davis
Roylance, Abrams, Berdo & Goodman, LL.P.
1225 Connecticut Avenue, N.W.
Washington, DC 20036 - 2680

Re: U.S. Application Serial No. 08/429,583 - LASER-DISC
MUSIC VIDEO DIGITAL DRINK MACHINE DOOR

Dear Mr. Davis,

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REDACTED

Yours sincerely,

JAMES A. SATCHELL, JR.

JOHNSON A. ASUMADU.

124-9020

LAW OFFICES

ROYLANCE, ABRAMS, BERDO & GOODMAN, LLP

1225 CONNECTICUT AVENUE, N. W.

WASHINGTON, D. C. 20036-2680

(202) 659-9076

TELEX: 64416

CABLE: ROYPAT

FACSIMILE:

(202) 659-9344

PLEASE REFER TO FILE:

JOHN S. ABRAMS
ROBERT H. BERDO
ALFRED N. GOODMAN
MARK S. BICKS
RICHARD A. FLYNT
JOHN E. HOLMES
DAVID L. TARNOFF
MICHAEL T. MURPHY
GARRETT V. DAVIS
STACEY J. LONGANECKER*
THOMAS P. HILLIARD**
*MD BAR **CT BAR

OF COUNSEL
FRANK E. ROBBINS
SUSAN NEUBERGER WELLER
D. C. ROYLANCE (1920-1995)

April 2, 1996

Mr. James A. Satchell, Jr.
1490 County Road 36
Tuskegee, AL 36083

Re: U.S. Application Serial No. 08/429,583 - LASER-DISC
MUSIC VIDEO DIGITAL DRINK MACHINE DOOR - Satchell

Dear Mr. Satchell:

Thank you for your recent letter enclosing copies of the application and the first Office Action from the U.S. Patent and Trademark Office. As agreed during our March 27 telephone conference, I reviewed the application and the Office Action. My comments are outlined below.

REDACTED

Mr. James A. Satchell, Jr.
April 2, 1996
Page 2

REDACTED

Sincerely,

A handwritten signature in cursive script, appearing to read "Garrett V. Davis".

Garrett V. Davis

GVD/tas

LAW OFFICES

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

1225 CONNECTICUT AVENUE, N.W.
WASHINGTON, D. C. 20036-2680
(202) 659-9076

TELEX: 64416

CABLE: ROYPAT

FACSIMILE:
(202) 659-9344

PLEASE REFER TO FILE:

124-9020
L. ID S. ABRAMS
ROBERT H. BERDO
ALFRED N. GOODMAN
MARK S. BICKS
RICHARD A. FLYNT
JOHN E. HOLMES
DAVID L. TARNOFF
MICHAEL T. MURPHY
GARRETT V. DAVIS
STACEY J. LONGANECKER
THOMAS P. HILLIARD**
**MD BAR **CT BAR
OF COUNSEL
FRANK E. ROBBINS
SUSAN NEUBERGER WELER
D.C. ROYLANCE (1920-1995)

April 2, 1996

Mr. James A. Satchell, Jr.
1490 County Road 36
Tuskegee, AL 36083

Re: U.S. Application Serial No. 08/429,583 - LASER-DISC
MUSIC VIDEO DIGITAL DRINK MACHINE DOOR - Satchell

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Mr. James A. Satchell, Jr.
April 2, 1996
Page 2

REDACTED

Sincerely,

A handwritten signature in cursive script, appearing to read "Garrett V. Davis".

Garrett V. Davis

GVD/tas

④

The Coca-Cola Company

COCA-
ATLANTA

AZA
ATLANTA

September 11, 1995

ADDRESS REPLY TO
P. O. DRAWER 1734
ATLANTA, GA 30301
1-800-438-2653

Mr. James A. Satchell
1490 County Rd. 36
Tuskegee, AL 36083

Dear Mr. Satchell:

We have received your idea and appreciate your interest.

The enclosed brochure will explain our policy for submission of ideas and suggestions, including the types of ideas or suggestions we cannot consider under our policy. Please read our policy carefully. If your idea does not fall into one of the prohibited areas of our policy, please follow the procedures outlined in the brochure.

As the brochure will explain, before consideration can be given to your idea, we would first require that the agreement contained in the brochure be signed and returned to us at the address provided in the brochure. Your letter is enclosed and may be resubmitted with the signed agreement.

I hope this information is helpful. If you have any questions, please call our hotline, 1-800-GET COKE.

Sincerely,



Karlyn Kauffmann
Consumer Affairs Specialist

Enclosure: Brochure
Your Correspondence

LAW OFFICES

ROYLANCE, ABRAMS, BERDO & GOODMAN, LLP

1225 CONNECTICUT AVENUE, N. W.

WASHINGTON, D. C. 20036-2680

(202) 659-9076

TELEX: 64416

CABLE: ROYPAT

FACSIMILE:

(202) 659-9344

PLEASE REFER TO FILE:

DAVID S. ABRAMS
ROBERT H. BERDO
ALFRED N. GOODMAN
MARK S. BICKS
RICHARD A. FLYNT
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STACEY J. LONGANECKER*
THOMAS P. HILLIARD**
*MD BAR **CT BAR

OF COUNSEL
FRANK E. ROBBINS
SUSAN NEUBERGER WELER
D. C. ROYLANCE (1920-1995)

September 10, 1996

Mr. James A. Satchell, Jr.
1490 County Road 36
Tuskegee, AL 36083

Re: Patent Appln. for VENDING MACHINE AND COMPUTER ASSEMBLY

Dear Mr. Satchell:

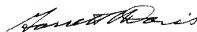
Enclosed is a copy of the above-identified application, Declaration and Power of Attorney and a Small Entity form.

REDACTED

Mr. James A. Satchell, Jr.
September 10, 1996
Page 2

REDACTED

Sincerely,



Garrett V. Davis

GVD/rmd

Enclosures

cc: Johnson A. Asumadu